

COMMITTEE AMENDMENT FORM

DATE: 7/30/08

COMMITTEE ZONING PAGE NUM. (S)

ORDINANCE I. D. #08-O-1139 SECTION (S)

RESOLUTION I. D. #08-R- PARA.

AMENDS THE LEGISLATION BY ADDING EIGHTEEN (18) CONDITIONS
ONE OF WHICH IS A SITE PLAN RECEIVED BY THE BUREAU OF
PLANNING JUNE 9, 2008.

AMENDMENT DONE BY COUNCIL STAFF 7/30/08

City Council
Atlanta, Georgia

08-O-1139

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

Z-08-33
Date Filed: 5-13-08

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **3727 and 3733 Peachtree Road, N.E. and 3685 Kingsboro Road, N.E.** be changed from the RG-2 (Residential General –Sector 2) District to the RG-3-C(Residential General-Sector 3 Conditional) District, to wit:

ALL THAT TRACT or parcel of land lying in Land Lot 10, 17th District, Fulton County, Georgia, being more particularly described by the attached legal description and/or survey/map.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

Conditions for Z-08-33 for 3727-3733 Peachtree Rd. & 3685 Kingsboro Rd., N.E.

1. Site Plan. The Property shall be developed in accordance with the Site Plan by THW Design sealed 7/7/08 and stamped received by the Bureau of Planning on 7/9/08, as revised to reflect the following conditions on 7/7/08.
2. Buildings. The architectural style and materials of all exterior walls of all Buildings shall be substantially similar to the rendering by THW Design dated 6-16-08. The facades of sides of the buildings facing Kingsboro and Peachtree Roads shall be designed to appear oriented to said roads, including entry doors and windows.
3. HVAC. The condensers for heating and air conditioning unit(s) servicing the Buildings on the Property shall be enclosed within a sound attenuating structure or have reasonable sound mitigation and, together with any above-ground utility or conduit boxes, shall be screened from plain view from Kingsboro Road and from bordering R-3 property.
4. Parking. Parking on the Property shall be handled by a below-grade parking deck, except that limited surface parking may be provided as depicted on the Site Plan. The interior of parking deck shall not be materially visible from Kingsboro Road and shall not have side or open venting facing Kingsboro Road.
5. Access Drive. The vehicular access drive shown on the Site Plan shall be: (a) an exit only to Kingsboro Road, with entrance from Kingsboro Road being forbidden; (b) shall permit right-hand turns only onto Kingsboro Road with curbing designed to insure right-hand, exit only use; (c) shall be available only for residents of Lenbrook (not for visitors, servicemen or vendors of Lenbrook or other third-parties); and (d) have access control in the form of a mechanical closure.
6. Turn Lane. Applicant will seek the necessary governmental approvals for the right-hand only turn lane onto Peachtree Road as shown on the site plan. Applicant, if so approved, will construct said turn lane and may seek to offset any costs thereof through impact fee credits if so approved by appropriate city officials. Administrative site plan revisions caused by removal of the turn lane shall be authorized if governmental approval is denied, subject to condition 18.
7. Tree Plan. Applicant shall provide a copy of its Tree Save Survey and Tree Replacement Plan to the President of RPCA concurrent with the filing of the original with the applicable governmental authorities. The President of RPCA shall be concurrently copied on any correspondence (including enclosure therewith) from the Applicant or its representative to City Arborist with regard to the Tree Replacement Plan.
8. Kingsboro Road Setback. Applicant shall landscape the setback area between the Buildings and Kingsboro Road in compliance with the tree replacement plan in the area shown on the site plan. This landscaping shall be installed no later than the date of substantial completion of the Buildings.

9.A. Northern R-3 Border. Applicant shall install and maintain a ten (10) foot wide landscape strip along the northern property bordering the R3 zoning designations in the location shown on the site plan. Applicant shall install Holly, Cryptomeria, Green Giant Arborvitae or like quality evergreen landscaping (no Leyland Cypress, Magnolia or Red-Tip Photinia shall be used) within said landscape strip. All such evergreen plantings shall be installed at a minimum of twelve (12) feet height per tree/bush and eight (8) feet on center spacing, provided that doing so will not damage existing trees. All other trees shall be subject to the City's tree specifications. During construction, temporary fencing up to six feet in height will be installed to provide visual protection along the adjacent R-3 properties if requested by the President of the Ridgedale Park Civic Association. Applicant shall install within the landscape strip bordering the northerly side yard of the northernmost single family lot a double-sided wood fence, with granite columns, appropriately spaced to minimize damage to existing magnolia trees. Such fence shall be six (6) feet in height, with an additional one (1) foot of decorative lattice for a total of seven (7) feet height. The fence shall be substantially similar to the rendering by THW Design dated 5-29-08. The fence shall be erected along the line and elevation that the existing privacy fence now occupies, stepping down with ground level, ending at the building setback line at Kingsboro. The applicant shall remove and replace any Dogwood trees that are removed along the project side of the fence line during landscape installation with replacement twelve-foot (12') high white Dogwoods, and shall so replace any Dogwoods that may die along the project side of the fence line within a one year period from landscape installation.

9.B. Eastern R-3 Border. Applicant shall install and maintain a five (5) to ten (10) foot wide landscape strip along that portion of the eastern (rear) property bordering the R-3 zoning designations that is located on the project side of the non-retaining wall described below in the location shown on the site plan. Applicant shall install Holly, Cryptomeria, Green Giant Arborvitae or like quality evergreen landscaping (no Leyland Cypress, Magnolia or Red-Tip Photinia shall be used) within said landscape strip. All such evergreen plantings shall be installed at a minimum of twelve (12) feet height per tree/bush and eight (8) feet on center spacing. All other trees shall be subject to the City's tree specifications. The existing retaining wall located at the eastern (rear) boundary of the R3 properties will remain, in whole or in part, if, in Lenbrook's sole discretion, it is safe and reasonable to do so based on site conditions identified during construction. Whether using all or portions or none of such existing wall, Lenbrook will install at the general location along this boundary shown on the site plan a combination of retaining wall and additional wall to a combined height of 12 feet measured from the existing grade of the adjacent R3 properties, provided that the height of the non-retaining wall portion shall at no point exceed 8 feet in height from Lenbrook's finished grade. Said wall(s) may be constructed as one wall, or as two walls – one retaining and another non-retaining. Retaining walls shall be faced with granite. Non-retaining walls shall be constructed of granite. These provisions may be altered to accommodate future site conditions but only upon mutual agreement of Lenbrook and the RPCA.

10. Retaining Walls. Visible portions of any new retaining wall on the Development shall be comprised of or faced with brick and or landscape grade stone, except as otherwise provided in condition 9.B.

11. Special Exceptions. If the fences and walls required by condition 9 require a variance or special exception, Applicant will attempt to secure said approvals. If a fence or wall

height is approved that is less than specified herein, then the height of same shall be to the highest approved height.

12. Trash. Trash for public or private pick-up at the Development shall be handled by individual trash receptacles, i.e., herbie curbies or by placement in containers internal to the parking structure for periodic disposal at the main Lenbrook loading dock. Any exterior trash receptacles shall be screened from plain view from Kingsboro Road or from the SF Abutting Property. Applicant shall use its commercially reasonable and diligent efforts to remove, on a daily basis (excluding weekends), trash from the grounds of the Property during construction of the Development.

13. Exterior Lighting. All exterior lighting shall be designed, shielded and constructed so as to prevent light spill onto adjoining residential property.

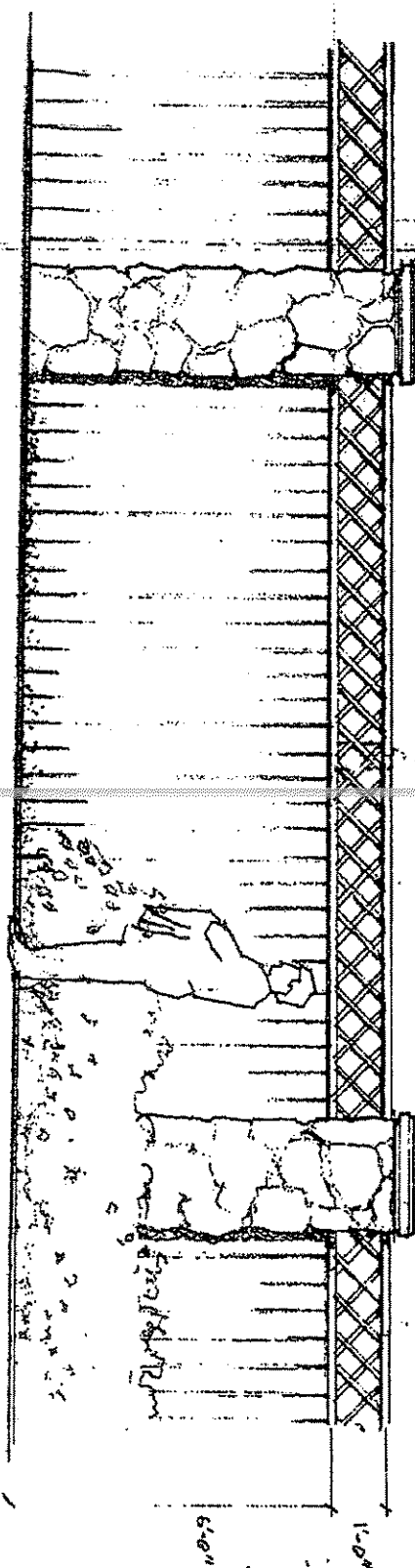
14. Storm Water. All stormwater detention facilities shall be located below grade. The stormwater detention system shall be designed and constructed on the Property so that the rate of flow from run-off on the Property for up to a one hundred (100) year storm shall not exceed seventy percent (70%) of the rate of flow of the run-off from the Property prior to its development by Applicant.

15. Alternate Building Configurations. The 8 unit residential building shown on the site plan may be altered to allow 7 units in a 3½ story configuration, provided that the total building height does not exceed 48 feet. The 6 unit residential building shown on the site plan may be similarly altered to allow 7 units in a 3½ story configuration, provided that the added half story shall be centered on the building, or located on the northern portion of the building closest to Peachtree Road, and the total building height shall not exceed 48 feet. These alterations shall not require a site plan amendment. Under no circumstances shall the FAR of the total project exceed 0.696, and all open space requirements shall be met. The maximum number of dwelling units for the project shall remain 21.

16. Construction. Applicant shall make reasonable efforts to limit construction-related vehicles from using neighborhood roads to access or exit the Development. Applicant shall use its commercially reasonable and diligent efforts to ensure that all construction-related vehicles for the Development, as well as residents, staff, and visitors, not park on the following Neighborhood Roads during the period of construction: Kingsboro, Cantrell, Eulalia, Bellaire, and Vermont. Applicant shall not seek a variance of the noise ordinance prior to or during the Development. No Development construction shall occur prior to 7:00 AM EST or after 7:00 PM EST, on Monday through Friday, and prior to 9:00 AM EST or after 7:00 PM EST on Saturday. No construction on the Development shall be allowed on Sunday or on federal or State of Georgia recognized holidays.

17. Emergency Contact. Applicant shall provide RPCA with a contact name and 24 hour contact phone number to be used in the event of (a) violations of these Site Plan conditions; (b) complaints about the Development, once it commences; or (c) for emergencies pertaining to the Development.

18. Notice of Administrative Variances. Applicant shall notify the RPCA President, in writing, no less than five (5) business days in advance of the filing of any request for administrative changes or variances to the Site Plan.



STONE COLUMN WITH WOOD PANELS/LATTICE TOP
SCALE 3/8"=1'-0"

3/29/02



Project No.
Date 4-13-08
Drawn by
Checked by

Author's address:

2100 Powergate Parkway
 Suite 400
 Atlanta, GA 30339
 Priced at \$2.5 million
 FAX: 770/464-2299
 WWW.LIVE.COM

**THW
DESIGN**
ARCHITECTURE
LAND PLANNING
INTERIORS
PURCHASING



Kingsboro One
3727 & 3733 Peachtree Road
Atlanta, Georgia 30319

[illegible]

RCS# 2018
6/02/08
3:26 PM

Atlanta City Council

REGULAR SESSION

08-O-1134,1135,1136,1137,1138,1139,1140
1141,1142,1143,1144,1145,1146,
REFER ZRB/ZONE

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Smith
Fauver
Young
Winslow

Y Archibong
Y Fauver
Y Shook
Y Muller

Y Moore
Y Martin
Y Maddox
Y Sheperd

NV Mitchell
NV Norwood
Y Willis
NV Borders

MULTIPLE

City Council
Atlanta, Georgia

08-0-1139

AN ORDINANCE
BY: ZONING COMMITTEE

Z-08-33
Date Filed: 5-13-08

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SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development", as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above-described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

2-08-33

All that tract or parcel of land lying and being in Land Lot 10, 17th District, Fulton County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the easterly right-of-way of Kingsboro Road (having a 50' right-of-way) and the southerly right-of-way of Peachtree Road (having an 80' right-of-way); thence, leaving the aforesaid point of beginning as thus established and continuing with the said right-of-way of Peachtree Road North $68^{\circ} 10' 10''$ East, 119.43 feet to a point; thence, North $65^{\circ} 57' 03''$ East, 30.14 feet to a nail found; thence, 99.57 feet along the arc of a curve to the left, having a radius of 1,450.00 feet and being subtended by a chord of bearing North $61^{\circ} 45' 41''$ East and distance 99.55 feet to a 1/2 inch rebar found; thence, leaving the aforesaid right-of-way of Peachtree Road and running along the lands now or formerly owned by Lenbrook Square Foundation, Inc. per DB 29389 Page 502 among the Land Records of Fulton County, Georgia South $37^{\circ} 17' 25''$ East, 489.50 feet to point; thence, leaving the aforesaid land now or formerly owned by Lenbrook Square Foundation, Inc. and running along land now or formerly owned by Timothy Bartness per DB 34320 Page 509, aforesaid records South $61^{\circ} 39' 18''$ West, 133.50 feet to a point; thence leaving the land now or formerly owned by Lenbrook Square Foundation, Inc. and running along lands now or formerly owned by William C. Jackson & Henry D. Burrell per DB 26068 Page 290, aforesaid records, David Bennett & David Price per DB 29307 Page 089, aforesaid records and Leslie E. Benham per DB 22430 Page 246, aforesaid records North $33^{\circ} 19' 35''$ West, 259.33 feet to a 1 inch iron bar found; thence leaving the aforesaid lands now or formerly owned by William C. Jackson & Henry D. Burrell and David Bennett & David Price and continuing with the land now or formerly owned by Leslie E. Benham South $62^{\circ} 41' 40''$ West, 155.96 feet to a point on the aforesaid right-of-way of Kingsboro Road; thence, continuing with the said right-of-way of Kingsboro Road North $31^{\circ} 19' 50''$ West, 238.68 feet to a point and the point of beginning, containing 91,393 square feet or 2.0981 acres of land more or less.

Property is subject to all easements and rights of way recorded and unrecorded.